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Kent H. Roberts

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

KENT H. ROBERTS,

Defendant.

Case No. C 07-04580 MHP

**STIPULATION AND [PROPOSED] ORDER
TO MODIFY INITIAL SCHEDULING ORDER
AND LIMITING DISCOVERABILITY OF
CERTAIN EXPERT MATERIALS**

1 WHEREAS, the parties herein previously agreed to certain dates for the completion of
 2 fact discovery, the conduct of expert discovery and the filing of dispositive motions, based on all
 3 such dates occurring after the completion of the trial in the related criminal matter, *United States*
 4 *v. Kent H. Roberts*, No. CR-07-0100; and

5 WHEREAS, the Court, at a status conference on December 10, 2007, issued its
 6 Scheduling Order setting dates for these activities at a time when the trial in the criminal matter
 7 was set to take place in February 2008; and

8 WHEREAS, the Court has since ordered that the criminal trial be re-set to commence on
 9 September 16, 2008; and

10 WHEREAS, the parties have met and conferred, and have agreed that it is in the interest
 11 of justice for the previously agreed and ordered dates in this matter be re-set to once again follow
 12 the trial in the criminal matter; and

13 WHEREAS, the parties have further mutually agreed to limit the discoverability of their
 14 correspondence with their respective experts, and of their experts' draft reports.

15 IT IS HEREBY STIPULATED that, subject to the Order of the Court, the Scheduling
 16 Order dated December 10, 2007 may be modified as follows:

<u>Date</u>	<u>Event</u>
11/28/08	Last day to complete fact discovery
11/28/08	Last day to disclose experts in chief and exchange expert reports
01/15/09	Last day to disclose rebuttal experts and exchange rebuttal reports
2/13/09	Last day to complete expert discovery
03/13/09	Last day to file dispositive motions

23 IT IS FURTHER STIPULATED that the status conference currently set for June 2, 2008
 24 at 3:00 p.m. be continued to November 10, 2008 at 3:00 p.m. or such other time as the Court may
 25 determine; and that the pretrial conference shall be set 30 days after the Court enters its decision
 26 on the Parties' dispositive motions.

1 IT IS FURTHER STIPULATED that draft expert reports and parties' or their counsels'
2 communications with their respective experts shall not be discoverable.

3 Dated: May 8, 2008

Respectfully submitted,

4 COOLEY GODWARD KRONISH LLP
5 Stephen C. Neal (CA Bar No. 170083)
6 William S. Freeman (CA Bar No. 82002)
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11 By: _____/s/
12 William S. Freeman (CA Bar No. 82002)

13 Attorneys for Defendant
14 KENT H. ROBERTS

14 Dated: May 8, 2008

SECURITIES AND EXCHANGE COMMISSION
15 100 F Street, N.E.
16 Washington, D.C. 20549-4030
17 (202) 551-4472

18 By: _____/s/
19 Stephen L. Cohen (D.C. Bar No. 478601)

20 Attorneys for Plaintiff
21 SECURITIES AND EXCHANGE COMMISSION

22 **[PROPOSED] ORDER**

23 IT IS SO ORDERED.

24 Dated: _____

25 THE HONORABLE MARILYN H. PATEL
26 UNITED STATES DISTRICT JUDGE
27
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